

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20, SUBREGION 37**

STARBUCKS CORPORATION

and

Case 20-CA-296184

WORKERS UNITED

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Workers United (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Starbucks Corporation (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Charging Party on May 20, 2022, and a copy was served on Respondent by U.S. mail on May 20, 2022.

2. At all material times, Respondent has been a Washington corporation with a place of business located at 95-221 Kipapa Drive, Mililani, Hawaii 96789 (Store #21011), and has been engaged in the business of operating a public restaurant selling food and beverages.

3. (a) During the past 12-month period ending July 31, 2022, Respondent, in conducting its operations described above in paragraph 2, derived gross revenues in excess of \$500,000, and purchased and received goods at Store #21011 located in Mililani, Hawaii, valued in excess of \$5,000 directly from points outside the State of Hawai`i.

(b) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the position set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act.

Keala Ohia	District Manager
Jennifer Rabbia	Store Manager
Kayla Higa	Store Manager
Chloe Ward	Store Manager

6. (a) About February 11, 2022, the Charging Party filed the petition in NLRB Case 20-RC-290481 seeking an election to be the collective-bargaining representative of certain employees at Store #21011.

(b) Beginning about February 12, 2022, Respondent, by Keala Ohia at Store #21011, by its increased soliciting of employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment.

(c) Beginning about February 12, 2022, Respondent, by Jennifer Rabbia at Store #21011, by its increased soliciting of employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment.

(d) About March or April 2022, Respondent, by Jennifer Rabbia at Store #21011 as the Store was opening for the day, threatened employees with the loss of the ability to pick up shifts in other stores if employees unionized.

(e) About April 2022, Respondent, by Keala Ohia in the backroom of Store #21011, threatened employees by indicating that it was likely employees would lose the ability to pick up shifts in other stores if employees unionized.

(f) About April 6, 2022, Respondent, by Jennifer Rabbia by phone, threatened employees with the loss of the ability to pick up shifts in other stores if employees unionized.

(g) About April 6, 2022, Respondent, by Jennifer Rabbia, in the same phone call as described in subparagraph 6(f), threatened employees with more onerous working conditions by informing employees that employees at Store #21011 would not be able to get products from other stores and other stores would not be able to get products from Store #21011, if employees unionized.

(h) About April 6, 2022, Respondent, by Jennifer Rabbia during the phone call described in subparagraphs 6(f) and (g), threatened employees with unspecified reprisals and the isolation of Store #21011 by informing employees that employees at Store #21011 would not be able to get products from other stores and other stores would not be able to get products from Store #21011, if employees unionized.

(i) A few days after April 6, 2022, Respondent, by Keala Ohia in the backroom of Store #21011, threatened employees with the loss of the ability to pick up shifts in other stores if employees unionized.

(j) About April 2022, after the National Labor Relations Board mailed ballots to employees of Store #21011 in Case 20-RC-290481, Respondent, by Jennifer Rabbia in the backroom of Store #21011, threatened employees with retaliation by indicating that employees would not be eligible for a future wage increase if they unionized and that employees would lose benefits if employees unionized.

(k) Respondent engaged in the activities described above in subparagraphs 6(b) through 6(j) in retaliation for the employees' union and/or protected concerted activities, and to discourage them from supporting the Charging Party.

7. By the conduct described above in subparagraph 6(b) through 6(k), Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

As part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks an order requiring: (1) that at a meeting, or meetings, scheduled to ensure the widest possible attendance, a high-ranking representative of Respondent shall read the Notice to Employees on work time, in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that at a meeting, or meetings, scheduled to ensure the widest possible attendance, Respondent shall have a Board agent read the Notice to Employees on work time, in the presence of Respondent's supervisors and agents identified above in paragraph 5; (2) emailing, texting, and electronically posting on Respondent's electronic bulletin board and in its newsletter, if it has one, the Notice to Employees, in addition to a physical notice posting on a bulletin board at Respondent's facilities.

The General Counsel further seeks such other relief as may be appropriate to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 15, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if

an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **February 28, 2023, at 9:00 a.m. (Hawaii-Aleutian Standard Time)** and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board in Honolulu, Hawaii, at a location to be determined or by a method or means, including videoconference, directed by the administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Honolulu, Hawaii on this 1st day of December, 2022.

JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20, BY



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OFFICER-IN-CHARGE
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Attachments